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10/672,106	09/26/2003	Rami Caspi	2003P08211US	7727

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LEE, JUSTIN YE

ART UNIT	PAPER NUMBER
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2617

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04/05/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,106	Applicant(s) CASPI ET AL.	
	Examiner Justin Y. Lee	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to amendment filed on 2/23/10.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/10 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 9 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "a wireless communications controller adapted... **to transmit a first user request from the first user to the second user to change the first boundary condition to a second boundary**

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condition" is not disclosed in the Specification. The Specification only discloses the first user can use a computer 3004 to request a temporary change in the boundary (page 35, lines 26-29) so that it is the computer 3004 transmitting the request not the security device 30-150).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 4-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, JR. (U.S. 2001/0042849 A1) in view of Kornhauser et al. (US 20040078139 A1, hereinafter, Kornhauser).

As to claim 1, Jones discloses:

A telecommunications device (20), comprising:

a positioning controller (GPS 22) adapted to determine positioning information for said telecommunications device (paragraph 19), wherein the positioning information generally corresponds to a locations of a user of the telecommunication device (paragraph 24); and

a wireless communications controller (24) adapted to receive the positioning information from the positioning controller and cause an audible alarm ("speaker or

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buzzer" - paragraph 24) to be generated if said telecommunications device is determined to be beyond a current boundary condition (paragraph 19, 23);

to transmit the positioning information to a second user monitoring the telecommunications device, the second user defining a first boundary condition for the telecommunication device (paragraph 24 and 27, the positioning information is transmitted to the monitoring user),

wherein the current boundary condition is either the first boundary condition or the second boundary condition if the first user request is approved by the second user (paragraph 7, the current boundary is the geographic boundaries defined).

Jones also disclose a presence controller for defining one or more availability rules of the device depending on a position condition of the telecommunications device (abstract).

Jones does not disclose to transmit a first user request from the first user to the second user to change the first boundary condition to a second boundary condition.

Kornhauser further discloses to transmit a first user request from the first user to the second user to change the first boundary condition to a second boundary condition (paragraph 18, the user requests to change the boundary condition by moving toward the boarder of the boundary and the request is approved by sending the new boundary condition to the user's device, if the user does not want to request to change the boundary condition then the user can avoid approaching close to the border of the boundary also if the mapping system doesn't support certain area, i.e. different state or

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country, the request for new boundary condition will not be sent to the user's device therefore, denying the request).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the request of new boundary into the position monitoring of Jones for the purposes of obtaining boundary information that is too large to store on the device (paragraph 18).

As to claim 4, Jones and Kornhauser teach everything as applied in claim 1 and Jones also discloses:

positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (paragraph 24).

As to claim 5, Jones and Kornhauser teach everything as applied in claims 1 and 4 and Jones also discloses:

said wireless communications controller is a cellular telephone controller (paragraph 19).

As to claim 6, Jones and Kornhauser teach everything as applied in claims 1 and 4 and Jones also discloses:

said wireless communications controller is a personal communications service (PCS) controller (paragraph 19).

As to claim 7, Jones and Kornhauser teach everything as applied in claim 1 and Jones also discloses:

the current boundary condition includes a geographic, date, daily routine, speed or and time-of-day ranges or a combination thereof (paragraph 20).

As to claim 8, Jones and Kornhauser teach everything as applied in claim 1 and Jones also discloses:

said positioning controller is adapted to receive the current boundary condition via said wireless communications controller (paragraph 23).

7. Claims 9-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, JR. (U.S. 2001/0042849 A1) in view of Kornhauser et al. (US 20040078139 A1, hereinafter, Kornhauser).

As to claim 9, Jones discloses:

A telecommunications system (Figure 1), comprising:

a wireless device (20) including a positioning controller (22) and a communications controller (24),

wherein the positioning controller is adapted to determine positioning information for said wireless device which generally corresponds to a location of a first user of the wireless device (paragraph 24), the wireless device is adapted

to receive the position information from the positioning controller (paragraph 24, GPS signal received from GPS receiver),

to transmit the positioning information to a second user monitoring the telecommunications device, the second user defying a first boundary condition so that the telecommunications device is not beyond a defined boundary condition defined by

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the second user (paragraph 24 and 27, the position information is sent to the monitoring user), and

to cause an audible warning to be generated if the telecommunications device is determined to be beyond a current boundary condition (paragraph 24, a speaker or buzzer is used to alert the wearer of breaching the boundary),

wherein the current boundary condition is either the first boundary condition or the second boundary condition if the first user request is approved by the second user (paragraph 7, the current boundary is the geographic boundaries defined); and

an administrative device for receiving the positioning information for the second user (Fig. 1, server 40 or end point E1 and paragraph 24 and 27, the monitoring user receives the positioning information from the server 40 or end point device E1).

Jones does not disclose discloses to transmit a first user request from the first user to the second user to change the first boundary condition to the second boundary condition.

Kornhauser further discloses to transmit a first user request from the first user to the second user to change the first boundary condition to the second boundary condition (paragraph 18, the user requests to change the boundary condition by moving toward the boarder of the boundary and the request is approved by sending the new boundary condition to the user's device, if the user does not want to request to change the boundary condition then the user can avoid approaching close to the border of the boundary also if the mapping system doesn't support certain area, i.e. different state or

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country, the request for new boundary condition will not be sent to the user's device therefore, denying the request).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the request of new boundary into the position monitoring of Jones for the purposes of obtaining boundary information that is too large to store on the device (paragraph 18).

As to claim 10, Jones and Kornhauser teach everything as applied in claim 9 and Jones further discloses:

said positioning controller receives global positioning network signals for determining a position of said wireless communications device (paragraph 24).

As to claim 11, Jones and Kornhauser teach everything as applied in claims 9-10 and Jones further discloses:

said communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said administrative device (paragraph 19).

As to claim 14, Jones discloses:

A telecommunications method (paragraph 2), comprising:

providing a wireless device (20) which includes a positioning controller (GPS 22) adapted to determine positioning information for said wireless device (paragraph 19),\

wherein the position information generally corresponds to a location of a first user of the wireless device (paragraph 24); and

programming said wireless device with a first boundary condition defined by a second user monitoring the wireless device (paragraph 17 and 19, the monitoring user stores the boundary rules on the device 20);

transmitting the positioning information to the second user (paragraph 24 and 27, the position information is sent to the monitoring user);

generating an audible warning if said wireless device is determined to be beyond a current boundary condition, wherein the current boundary condition is either the first boundary condition or the second boundary condition if the first user request is approved by the second user (paragraph 24, a speaker or buzzer is used to alert the wearer of breaching the boundary and paragraph 7, the current boundary is the geographic boundaries defined).

Jones does not disclose transmitting a first user request from the first user to the second user to change the first boundary condition to a second boundary condition.

Kornhauser further discloses transmitting a first user request from the first user to the second user to change the first boundary condition to a second boundary condition (paragraph 18, the user requests to change the boundary condition by moving toward the boarder of the boundary and the request is approved by sending the new boundary condition to the user's device, if the user does not want to request to change the boundary condition then the user can avoid approaching close to the border of the

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boundary also if the mapping system doesn't support certain area, i.e. different state or country, the request for new boundary condition will not be sent to the user's device therefore, denying the request).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the request of new boundary into the position monitoring of Jones for the purposes of obtaining boundary information that is too large to store on the device (paragraph 18).

8. Claims 3, 12, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Kornhauser et al. (US 20040078139 A1, hereinafter, Kornhauser) as applied to claims 1, 9 and 14 above, and further in view of Chaco (U.S. 7,034,690 B2).

As to claim 3, Jones and Kornhauser teach everything as applied in claim 1; however, neither Jones nor Kornhauser disclose said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be beyond the current boundary condition. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.

In an analogous art, Chaco teaches said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside

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a second predetermined geographic range (column 8, lines 59-67; column 9, lines 8-i0).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunications device and wireless communications controller, taught by Jones and Kornhauser, said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined geographic range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected

As to claim 12, Jones and Kornhauser teach everything as applied in claim 9 above; however, neither Jones nor Kornhauser teach said administrative device is adapted to display location information when said wireless device is determined to beyond the current boundary condition. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.

Chaco also teaches said administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range (column 4, lines 28-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system and administrative device, taught by Jones and Kornhauser said administrative device is adapted to display location information when

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said wireless device is determined to be outside said second predetermined range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected.

As to claim 13, Jones and Kornhauser teach everything as applied in claim 9 above and Chaco teach everything as applied in claim 12 and Jones further discloses:

said current boundary condition is associated with one or more of a geographic range, time-of-day range, daily routine, or date range (paragraph 20).

As to claim 16, Jones and Kornhauser teach everything as applied in claim 14; however, neither Jones nor Kornhauser fail to disclose transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside the current boundary condition. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.

In an analogous art, Chaco teaches transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range (column 8, lines 59-67; column 9, lines 8-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, taught by Jones and Kornhauser, transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected.

As to claim 17, Jones and Kornhauser teach everything as applied in claim 14 and Chaco teaches everything as applied in Claim 16 and Jones further discloses:

said administrative device comprises a telephony device (paragraph 17).

As to claim 18, Jones and Kornhauser teach everything as applied in claim 14 and

Chaco teaches everything as applied in claim 16 and Jones further discloses:

said one or more alerting signals comprise one or more e-mail signals (paragraph 25).

As to claim 19, Jones and Kornhauser. teach everything as applied in claim 14 and Chaco teaches everything as applied in claim 16 and Jones further discloses: said one or more alerting signals comprise one or more Instant Messaging signals (paragraph 25).

As to claim 20, Jones and Kornhauser teach everything as applied in claim 14 and Chaco teaches everything as applied in claim 16 and Jones further discloses:

said position condition is associated with at least one of geographic range, daily routine, time-of-day range, speed range or date range (paragraph 20).

Allowable Subject Matter

9. Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - Thu 9:30 to 8:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin Y Lee/
Examiner, Art Unit 2617
3/3/10

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617